UNITED
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Security Council

PROVISIONAL

S/PV.2955
15 November 1990

ENGLISH

PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND
NINE HUNDRED AND FIFTY-FIFTH MEETING

Held at Headquarters, New York,
on Thursday, 15 November 1990, at 3 p.m.

President:	Mr. PICKERING	(United States of America)
Members:	Canada	Mr. FORTIER
	China	Mr. YU Mengjia
	Colombia	Mr. PEÑALOSA
	Côte d'Ivoire	Mr. ANET
	Cuba	Mr. ALARCON de QUESADA
	Ethiopia	Mr. GOSHU
	Finland	Mr. TORNUDD
	France	Mr. BLANC
	Malaysia	Mr. RAZALI
	Romania	Mr. MUNTEANU
	Union of Soviet Socialist Republics	Mr. VORONTSOV
	United Kingdom of Great Britain and Northern Ireland	Sir David HANNAY
	Yemen	Mr. AL-ASHTAL
	Zaire	Mr. BAGBENI ADEITO NZENGEYA

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90-31698/A 3117V (E)

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The meeting was called to order at 3.20 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

ELECTION OF FIVE MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE (S/21823, S/21824 and Add.1 and 2, S/21824/Rev.1 and S/21825)

The PRESIDENT: The Security Council will now proceed to the election of five members of the International Court of Justice, in accordance with Article 13 of the Statute of the International Court of Justice, to fill the five seats which will become vacant on 5 February 1991, on the expiry of the terms of office of the following judges: Mr. J. M. Ruda, Mr. K. Mbaye, Sir Robert Jennings, Mr. G. Guillaume and Mr. R. S. Pathak.

The updated list of candidates nominated by national groups is contained in document S/21824/Rev.1. Document S/21825 contains the curricula vitae of all the candidates.

The Security Council also has before it a memorandum by the Secretary-General, in document S/21823, setting out the procedure to be followed in the conduct of the election.

I should like to remind the Council that under Article 10, paragraph 1, of the Statute of the International Court of Justice,

"Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected".

The required majority in the Security Council is therefore eight votes.

If more than five candidates obtain the required majority, according to the procedure which has been followed in the past and as set forth in paragraph 14 of the Secretary-General's memorandum, a new vote will be held on all the candidates.

This rule will also apply to any subsequent ballots, if the number of candidates obtaining the absolute majority is greater than the number of vacancies remaining. If, on the other hand, in the first ballot the number of candidates

(The President)

obtaining the absolute majority is less than five, the Council will proceed to a second ballot on the remaining vacancies, and balloting will continue until five of the candidates have obtained the required majority of votes.

Voting will be held by secret ballot. When we proceed to the vote, members of the Council will receive a ballot containing the names of all candidates. Members of the Council are requested to place an "x" in the boxes next to the names of the candidates for whom they wish to vote. Only those candidates whose names appear on the ballot paper are eligible for election.

I should like to remind members of paragraph 11 of the Secretary-General's memorandum, which specifies that "Each elector may vote for not more than five candidates on the first ballot...". (S/21823, para.11)

Any ballot paper containing votes for more than five names will be considered invalid. When five candidates have obtained the required majority of votes, I shall communicate the result to the President of the General Assembly and I shall request the Council to remain in session pending the receipt from the President of the General Assembly of the result of the voting in the Assembly.

The Council will now proceed to draw lots to select the two delegations to act as tellers.

The names of the delegations of Cuba and Yemen have been drawn, and I therefore request each of them to appoint one of its members to serve as teller.

At the invitation of the President, Mr. Moreno Fernandez (Cuba) and Mr. Alsaidi (Yemen) acted as tellers.

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The PRESIDENT: I take it that the Council is now ready to proceed with the election of five members of the International Court of Justice.

It is so decided.

I shall now ask the Conference Officer to distribute the ballots.

Members should place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

A vote was taken by secret ballot.

* * *

The PRESIDENT: I take it that all members of the Council have now marked their ballots. I shall now ask the Conference Officer to collect the ballots.

All the ballots have been collected. I should like to remind the Council that the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have been collected.

The Council will remain in session as we await receipt of that information.

* * *

The PRESIDENT: I have now been informed that the ballot papers have been collected in the General Assembly.

The counting of the ballots in the Security Council will now begin. The tellers will now count the ballots.

As agreed in our consultations, there will be two independent countings of the ballots by each of the tellers.

* * *

The PRESIDENT: The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Andrés Aguilar Mawdsley (Venezuela)	15
Mr. Gilbert Guillaume (France)	15
Sir Robert Yewdall Jennings (United Kingdom of Great Britain and Northern Ireland)	14
Mr. Christopher Gregory Weeramantry (Sri Lanka)	7
Mr. Seydou Madani Sy (Senegal)	6
Mr. Raymond Ranjeva (Madagascar)	5
Mr. Enrique P. Syquia (Philippines)	5
Mr. Dorab Patel (Pakistan)	4
Mr. Edilbert Pierre Razafindralambo (Madagascar)	2
Mr. Atsu-Koffi Amega (Togo)	1
Mr. Samuel K. B. Asante (Ghana)	1

The PRESIDENT: Accordingly, the following candidates have obtained the required majority of votes in the Council: Mr. Andrés Aguilar Mawdsley, Mr. Gilbert Guillaume and Sir Robert Yewdall Jennings.

(The President)

Since fewer than five candidates have received the required majority, the Council will now proceed to a second ballot for the remaining two vacancies, in accordance with rule 61 of the Council's provisional rules of procedure.

(The President)

I would like to remind the members that each member may vote for not more than two candidates. All candidates are eligible for voting except those who have received the required majority of votes in the previous ballot. Any ballot paper containing votes for more than two candidates will be invalid.

I take it that the Council is now ready to proceed with the election of two members of the International Court of Justice.

I shall now ask the Conference Officer to distribute the ballots.

Members should place an "X" in the boxes next to the names of the candidates for whom they wish to vote.

A vote was taken by secret ballot.

* * *

The PRESIDENT: I take it that all members of the Council have now marked their ballots. I shall now ask the Conference Officer to collect the ballots.

All the ballots have been collected. The tellers will now count the ballots. There will be two independent countings of the ballots by each of the tellers.

* * *

The PRESIDENT: The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Christopher Gregory Weeramantry (Sri Lanka)	9
Mr. Seydou Madani Sy (Senegal)	8
Mr. Raymond Ranjeva (Madagascar)	6
Mr. Enrique P. Syquia (Philippines)	3
Mr. Dorab Patel (Pakistan)	2
Mr. Atsu-Koffi Amega (Togo)	1
Mr. Edilbert Pierre Razafindralambo (Madagascar)	1

The PRESIDENT: Five candidates have obtained the required majority in the Security Council. Mr. Andrés Aguilar Mawdsley, Mr. Gilbert Guillaume, Sir Robert Yewdall Jennings, Mr. Seydou Madani Sy and Mr. Christopher Gregory Weeramantry.

I shall now communicate the results of the vote to the President of the General Assembly in writing.

I request the Council to remain in session while we wait for the President of the General Assembly to inform the Council of the result of the voting in the Assembly.

* * *

The PRESIDENT: I should like to inform the members of the Council that I have received from the President of the General Assembly the following letter:

"I have the honour to inform you that, at the thirty-eighth plenary meeting of the General Assembly held today for the purpose of electing five members of the International Court of Justice, the following candidates obtained an absolute majority of votes in the General Assembly:

Mr. Andrés Aguilar Mawdsley, Mr. Gilbert Guillaume,

Sir Robert Yewdall Jennings, Mr. Raymond Ranjeva and

Mr. Christopher Gregory Weeramantry.

"Accept, Sir, the assurances of my highest consideration."

As both the Security Council and the General Assembly have agreed on the following candidates, the distinguished jurists Mr. Andrés Aguilar Mawdsley, Mr. Gilbert Guillaume, Sir Robert Yewdall Jennings and Mr. Christopher Gregory Weeramantry, they have therefore been elected as members of the International Court of Justice for a term of office of nine years beginning on 6 February 1991. I should like to congratulate them and wish them every success in the high office to which they have been elected.

As a result of the voting which has taken place in the Security Council and in the General Assembly, only four members of the Court have been duly elected. In accordance with Article 11 of the Statute of the Court, the Council will now proceed to hold a new meeting to elect one candidate by further ballot for the seat remaining to be filled. Accordingly, I shall adjourn this meeting of the Security Council, and I shall immediately call to order the second meeting of the Council to elect one candidate by further ballot.

The meeting rose at 6.45 p.m.

UNITED
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Security Council

PROVISIONAL

S/PV.2956
15 November 1990

ENGLISH

PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND
NINE HUNDRED AND FIFTY-SIXTH MEETING

Held at Headquarters, New York,
on Thursday, 15 November 1990, at 6.45 p.m.

President:	Mr. PICKERING	(United States of America)
Members:	Canada	Mr. FORTIER
	China	Mr. WANG Guangya
	Colombia	Mr. PEÑALOSA
	Côte d'Ivoire	Mr. ANET
	Cuba	Mr. ALARCON de QUESADA
	Ethiopia	Mr. GOSHU
	Finland	Mr. TÖRNUDD
	France	Mr. BLANC
	Malaysia	Mr. RAZALI
	Romania	Mr. MUNTEANU
	Union of Soviet Socialist Republics	Mr. LOZINSKY
	United Kingdom of Great Britain and Northern Ireland	Sir David HANNAY
	Yemen	Mr. AL-ASHTAL
	Zaire	Mr. BAGBENI ADEITO NZENGEYA

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90-61409/A 3131V (E)

The meeting was called to order at 6.45 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

ELECTION OF FIVE MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE (S/21823, S/21824 and Add.1 and 2, S/21824/Rev.1 and S/21825)

The PRESIDENT: In accordance with Article 11 of the Statute of the International Court of Justice, the Council will now hold a second meeting to elect one member of the International Court of Justice by further ballots for the one seat remaining to be filled.

I would remind members of the Council that only those candidates whose names appear on the ballot paper are eligible for election and ballots containing votes for more than one candidate will be considered invalid.

I invite the tellers to take their seats at the tables behind the Council table.

(The President)

I should like to draw the attention of the Council to the fact that the Permanent Representative of Togo to the United Nations has informed the General Assembly that the national group of Togo has decided to withdraw its nomination of Mr. Atsu-Koffi Amega for the election to the International Court of Justice. Since Mr. Amega was nominated by the national group of Togo only, his name therefore is removed from the ballot papers.

Furthermore, I have been requested to announce that the candidature of Mr. Samuel K. B. Asante of Ghana has been withdrawn.

I take it that the Council is now ready to proceed to the vote.

It is so decided.

I shall now ask the Conference Officer to distribute the ballots.

Members of the Council should place an "X" in the box next to the name of the candidate for whom they wish to vote.

A vote was taken by secret ballot.

* * *

The PRESIDENT: I take it that all the members of the Council have now marked their ballots. I shall now ask the Conference Officer to collect the ballots.

All the ballots have been collected. I should like to remind the Council that the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have been collected.

The Council will remain in session as we await receipt of that information.

* * *

The PRESIDENT: I have now been informed that the ballot papers have been collected in the General Assembly.

The counting of the ballots in the Security Council will now begin. The tellers will now count the ballots.

There will be two independent countings of ballots by each of the tellers.

* * *

The PRESIDENT: The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Raymond Ranjeva (Madagascar)	11
Mr. Seydou Madani Sy (Senegal)	4

The PRESIDENT: Mr. Raymond Ranjeva has received the required majority of votes in the Security Council.

I shall communicate the result of the voting to the President of the General Assembly. I request the Council to remain in session while we wait for the President of the General Assembly to inform the Council of the result of the voting in the Assembly.

* * *

The PRESIDENT: I should like to inform the members of the Council that I have just received from the President of the General Assembly the following letter:

"I have the honour to inform you that, at the 39th plenary meeting of the General Assembly held today for the purpose of electing five members of the International Court of Justice, the following candidate obtained an absolute majority of votes in the General Assembly: Raymond Ranjeva."

As both the Security Council and the General Assembly have agreed on the same candidate, the distinguished jurist, Mr. Raymond Ranjeva, has therefore been elected a member of the International Court of Justice for a term of office of nine years beginning on 6 February 1991. I should like to congratulate him and wish him every success in the high office to which he has been elected.

I should also like to thank the tellers for their assistance.

The Security Council has thus concluded its business for this meeting.

The meeting rose at 7.40 p.m.

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Security Council

PROVISIONAL

S/PV.2957
16 November 1990

ENGLISH

PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND
NINE HUNDRED AND FIFTY-SEVENTH MEETING

Held at Headquarters, New York,
on Friday, 16 November 1990, at 11.30 a.m.

President:	Mr. PICKERING	(United States of America)
Members:	Canada	Mr. FORTIER
	China	Mr. YU Mengjia
	Colombia	Mr. PEÑALOSA
	Côte d'Ivoire	Mr. ANET
	Cuba	Mr. ALARCON de QUESADA
	Ethiopia	Mr. GOSHU
	Finland	Mr. TORNUDD
	France	Mr. BLANC
	Malaysia	Mr. MUSA
	Romania	Mr. MUNTEANU
	Union of Soviet Socialist Republics	Mr. VORONTSOV
	United Kingdom of Great Britain and Northern Ireland	Sir David HANNAY
	Yemen	Mr. AL-ASHTAL
	Zaire	Mr. LUKABU KHABOUJI N'ZAJI

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90-61415/A 3153V (E)

The meeting was called to order at 11.50 a.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

THE SITUATION IN THE OCCUPIED ARAB TERRITORIES

LETTER DATED 26 SEPTEMBER 1990 FROM THE PERMANENT REPRESENTATIVE OF YEMEN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/21830)

REPORT SUBMITTED TO THE SECURITY COUNCIL BY THE SECRETARY-GENERAL IN ACCORDANCE WITH RESOLUTION 672 (1990) (S/21919 and Corr.1 and S/21919/Add.1-3)

The PRESIDENT: In accordance with the decisions taken at the previous meetings on this item, I invite the representatives of Algeria, Bangladesh, Egypt, India, the Islamic Republic of Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Mauritania, Morocco, Pakistan, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, Turkey, the United Arab Emirates and Yugoslavia to take the places reserved for them at the side of the Council Chamber. I invite the representative of Palestine to take a place at the Council table.

At the invitation of the President, Mr. Bendjama (Algeria), Mr. Mohiuddin (Bangladesh), Mr. Moussa (Egypt), Mr. Menon (India), Mr. Kharrazi (Islamic Republic of Iran), Mr. Al-Anbari (Iraq), Mr. Aridor (Israel), Mr. Salah (Jordan), Mr. Al-Sabah (Kuwait), Mr. Makkawi (Lebanon), Mr. Treiki (Libyan Arab Jamahiriya), Mr. Ould Mohamed Mahmoud (Mauritania), Mr. Hasbi (Morocco), Mr. Umer (Pakistan), Mr. Al-Nimah (Qatar), Mr. Shihabi (Saudi Arabia), Mr. Ali (Sudan), Mr. El-Fattal (Syrian Arab Republic), Mr. Ghezal (Tunisia), Mr. Aksin (Turkey), Mr. Al-Shaali (United Arab Emirates) and Mr. Silovic (Yugoslavia) took the places reserved for them at the side of the Council Chamber; Mr. Al-Kidwa (Palestine) took a place at the Council table.

The PRESIDENT: I should like to inform the Council that I have received a letter dated 14 November 1990 from the Permanent Representative of Egypt to the United Nations, which reads as follows:

"In my capacity as Chairman of the Islamic Group at the United Nations, I have the pleasure to request that His Excellency Ambassador A. Engin Ansay, Permanent Observer of the Organization of the Islamic Conference to the United Nations, be invited to participate in the Security Council's discussion of the item entitled 'The situation in the occupied Arab territories' in accordance with rule 39 of the Council's provisional rules of procedure."

That letter will be published as a document of the Security Council under the symbol S/21944. If I hear no objection, I shall take it that the Council agrees to extend an invitation to Mr. A. Engin Ansay under rule 39 of its provisional rules of procedure.

There being no objection, it is so decided.

The Security Council will now resume its consideration of the item on its agenda.

I should like to draw the attention of the members of the Council to document S/21942, which contains the text of a letter dated 14 November 1990 from the Chargé d'affaires ad interim of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General.

The first speaker is the representative of Tunisia. I invite him to take a place at the Council table and to make his statement.

Mr. GHEZAL (Tunisia) (interpretation from Arabic): I should like at the outset to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month. Your great diplomatic experience and knowledge of international affairs, including particularly those dealt with by the Council, as

(Mr. Ghezal, Tunisia)

well as the prestige enjoyed by your country, the United States, a permament member of the Security Council with special responsibility for maintaining peace and security throughout the world - all guarantee the successful outcome of the Council's work.

I should also like to convey my thanks to your predecessor, Sir David Hannay, the Permanent Representative of the United Kingdom, for the excellent manner in which he guided the Council's work in October.

Since 7 November, the Security Council has been meeting to study the report presented by the Secretary-General of the United Nations, contained in document S/21919 of 31 October 1990, in accordance with Security Council resolution 672 (1990). In this connection, I should like on behalf of my delegation to express our admiration for that laudable report and for his ongoing efforts to remedy the situation, despite the various difficulties and obstacles that have prevented him from sending a fact-finding mission to the occupied Arab territories because of Israel's refusal to yield to the desire of the international community and to comply with Security Council resolutions 672 (1990) and 673 (1990). That is a very dangerous precedent for a Member of the United Nations.

Over a number of decades, the United Nations has encountered Israel's stubborn refusal to allow it to pursue its efforts to establish a just peace in the Middle East. It has adopted numerous resolutions on the question of Palestine in its capacity as the authority responsible for the maintenance of international peace and security and the refuge for all those who languish under oppression and foreign domination.

To this day, unfortunately, those resolutions have not been implemented. The entire region remains a hotbed of tension, instability and an arena for a horrific arms race. Israel's contempt for international legitimacy as embodied in the

(Mr. Ghezal, Tunisia)

Charter of the United Nations as well as the resolutions of the General Assembly, the Security Council and other bodies of the United Nations system, is at the heart of that situation.

The Palestinian people, which has committed aggression against no one and lays claim only to its legitimate rights to its own soil, continues to be the target of the numerous acts of cruel repression, violence and expulsion perpetrated by Israel in the occupied Arab territories as part of its scheme of settler-colonialism and expansion at the expense of the Palestinians.

The most recent of Israel's misdeeds has been the massacre in the courtyard of Al-Haram al-Shareef in the occupied sector of Al-Quds on 8 October, as well as the campaign of organized repression waged by the Israeli occupying forces in the Gaza Strip and particularly in Beit Hanoun, where hundreds of Palestinians were wounded.

All this took place while the Secretary-General was preparing his report for presentation to the Security Council. It is clear that by so doing, Israel meant to go to the limit in challenging the international community and trampling underfoot United Nations resolutions. One of the aspects of that arrogant posture has been the promotion to a higher post of the officer responsible for the massacre on 8 October. Nonchalant as ever, Israel escalates its arbitrariness and its persecution, including the detention without trial of Palestinian journalists for periods ranging from 6 to 12 months.

The Palestinian people has frequently requested the Council to provide and guarantee the protection stipulated in international instruments, particularly the Fourth Geneva Convention of 1949 and to take prompt action to resolve the Middle East problem in its entirety.

(Mr. Ghezal, Tunisia)

The Palestinian people have also asked for a just and comprehensive solution to the Middle East conflict that would guarantee them their right to self-determination and to establish their own independent State on their own territory so that peace and stability might prevail throughout the region.

In this connection, we should recall that since the appearance of the Secretary-General's report of January 1988 (S/19443) and the subsequent failure to adopt the practical steps suggested by the Secretary-General to remedy the tragic situation to which the report referred, Israel has continued to escalate its policy of repression, expansion and violation of international instruments and has thus augmented the resultant human suffering, casualties and destruction of property. Now that the Council has demonstrated its determination and unanimity in addressing the Gulf crisis, it is our hope that it will do the same and address the situation in the occupied territories in a manner that would provide the necessary protection to the defenceless Palestinian people and deter the brutal occupier from going even further in its barbaric practices.

The report of the Secretary-General (S/21919) before the Council today emphasizes the need to guarantee the protection of the Palestinian people in the occupied Arab territories, including Al-Quds, and highlights the dangers that threaten their very existence and their future. We all know that the repression and persecution practised by Israel against the Palestinians is part and parcel of its terroristic policy designed to expel the original inhabitants from those territories in order to be able to install foreigners from Eastern Europe in their place and thereby create a new demographic situation that usurped part of the world.

In his report, the Secretary-General states that:

"Palestinians have expressed a profound feeling of vulnerability at all times, whether in the workplace, at school, in places of worship or simply walking

(Mr. Ghezal, Tunisia)

down the street. ... They have stated that they felt unsafe even inside their homes, which were frequently subjected to midnight searches, and during which entire households, including children, were beaten." (S/21919, para. 19)

There is no need for me to comment on the videocassette that was shown in this room: the mad, intensive continuous shooting; the repeated and unheeded calls for help for the wounded in the Holy Places, people who had committed no crime against anyone and who were simply seeking to protect the sacred Mosque from being violated; the sound of gunshots and the appeals by the Palestinians for people to take refuge in the Mosque from the firing by the occupying forces. All this formed part of a deeply moving film that clearly demonstrated that the attempt to distort the facts was an act of perjury, pure and simple. The aim of such distortion was to infuse feelings of hate and rancour into the situation.

As a result, the Council is now again seized of a matter that is of concern to a people who no longer feel safe, a people whose sacred places have been violated and whose society as a whole has been paralysed through such arbitrary measures as the closing of universities and schools, the destruction of shops, the demolition of houses and the raiding of hospitals. All these shameful practices chronicled in the Secretary-General's report are clear violations of the Fourth Geneva Convention of 1949. In paragraph 24 of his report, the Secretary-General states that the high contracting parties to that Convention are responsible for ensuring respect for it, and he goes on to say that the Security Council might wish to call for a meeting to discuss possible measures that might be taken to ensure implementation of the Convention. Members of the Security Council are also contracting parties to that instrument.

My delegation would like to take this opportunity to commend the work being done by the international bodies and organizations working in the occupied Arab territories, such as the High Commissioner for Refugees, the International

(Mr. Ghezal, Tunisia)

Committee of the Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which are making laudable efforts to provide the possible humanitarian services to the Palestinian people in the occupied territories despite the difficulties and obstacles created by the occupying Israeli forces. At present, however, those bodies and organizations are not capable of protecting the Palestinians from repression, killing and expulsion.

In order for the Security Council to guarantee such protection, it will be necessary for the Council to request Israel to accept the de jure applicability of the Fourth Geneva Convention of 1949 to all occupied territories, including Al-Quds. The Council must also request Israel to abide scrupulously by the provisions of that Convention. Furthermore, the Council should call upon the high contracting parties to the Convention to hold a meeting to discuss possible measures to be taken by them to compel Israel to respect the Convention. Military observers under United Nations aegis should be deployed in force throughout the occupied territories, including Al-Quds, to monitor and observe the situation. The Secretary-General must be enabled to consolidate the international bodies and organizations functioning in the occupied Arab territories in such a way that they may be able to carry out their humanitarian tasks and provide their services safely and without obstruction.

The Tunisian delegation shares the view expressed by the Secretary-General in the conclusion to his report, where he notes that it would be misleading to deal with the question of the need to ensure the safety and protection of the Palestinian civilians living under Israeli occupation without underlining that it is the conflict in the Middle East that lies at the heart of the situation and that the situation would end only if the occupation is ended.

(Mr. Ghezal, Tunisia)

For that reason, the international community is called upon to hasten to convene an international peace conference with the participation of all parties concerned, including the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, a people for whom Tunisia has great admiration and to whom Tunisia gives every support in their struggle and their heroic intifadah. For the struggle of the Palestinian people is the just struggle of right, a struggle for the retrieval of the Palestinians' legitimate rights and the creation of their independent State on their own soil.

(Mr. Ghezal, Tunisia)

In that connection, I should like to congratulate the Palestine Liberation Organization and the Palestinian people as they commemorate the second anniversary of the proclamation of the State of Palestine.

I wish finally to express the hope that, to promote its credibility and to act in accordance with its own resolutions and the provisions of the Charter, the Security Council will take all concrete steps necessary to guarantee the safety and security of the Palestinian people in the occupied territories, including Al-Quds, so that the decades of tragedy can come to an end.

The PRESIDENT: I thank the representative of Tunisia for the kind words he addressed to me.

Mr. MUSA (Malaysia): My delegation joins others in congratulating you, Sir, on your assumption of the presidency. We have worked with you over these critical months and have found you to be professional, obviously skilful and manifestly fair and balanced. We are confident that your presidency this month will reflect those same characteristics.

My delegation also joins others in expressing appreciation for the considerable achievements of the presidency of Sir David Hannay last month.

I should like also to take this opportunity to extend our warm congratulations to the representative of Palestine on yesterday's anniversary of the proclamation of the independence of the State of Palestine.

Since 7 November 1990 the Council has been examining the report of the Secretary-General on the 8 October tragedy in occupied Jerusalem and the related issue of the safety and protection of Palestinians in the occupied territories. Since then we have heard the statement of the Head of the Palestinian delegation, who studiously and objectively analysed the Secretary-General's report and made an extremely persuasive case, on behalf of the suffering Palestinians, for a strong United Nations role and for the need for the Security Council to live up to

(Mr. Musa, Malaysia)

its responsibilities. The Palestinian delegation also screened a videotape of the Jerusalem incident which vividly showed Israeli excesses and which clearly nailed the lie that Palestinians were being incited to slaughter Jews. The Council also heard the statement of the Permanent Representative of Israel who, on behalf of his Government, rejected all aspects of the report and the recommendations of the Secretary-General. That distinguished ambassador further distinguished himself when he stated that on 8 October Palestinians were incited to slaughter Jews.

The report of the Secretary-General, for which the Malaysian delegation extends its appreciation, covers adequate ground and provides a good basis for the Council's deliberations. The report catalogues a whole series of Israeli mistreatment, from collective punishment to the demolition of houses, the confiscation of lands, and so forth, in contravention of virtually all the obligations of an occupying Power under the Fourth Geneva Convention. The Palestinians have been abandoned, as it were, and cannot count on any protection under the Convention. Palestinians have expressed

> "a profound feeling of vulnerability at all times, whether in the workplace, at school, in places of worship or simply walking down the street. This fear was compounded by their view that there was no recourse to any authority, other than the security forces who were so often responsible for the measures inflicted upon them". (S/21919, para. 19)

Even in the last few days, three prominent Palestinians in the occupied territories have been detained by the Israeli authorities without charge or trial.

The obvious solution is the removal of the illegal Israeli occupation of the Palestinian territories. Malaysia, like the vast majority of other Members of the United Nations, believes that this can be realized through an international conference held under the auspices of the United Nations. But despite very strong international support for that idea, there has yet to be any concrete effort to

(Mr. Musa, Malaysia)

convene the conference in the foreseeable future. Further, the so-called peace negotiations have come to a halt. The long-awaited emergence of an Israeli Government that would begin to take the first steps towards negotiating for peace, as hoped for some months ago, has proved to be a mirage. The Government of Israel is in the hands of implacable leaders with a mindset that regards negotiation as weakness and with a determination to make permanent illegal acquisitions, by mass migration and resettlement. Also, the crisis in the Persian Gulf region is seen by them as an opportunity to be exploited to gain maximum advantages for Israel.

In the circumstances, my delegation believes that it is all the more imperative for the Security Council to institute immediate and effective measures to ensure the safety and protection of Palestinians in the occupied territories.

My delegation has carefully studied the observations contained in the report of the Secretary-General, and in the light of the history of the problem we are convinced that the Security Council should issue a demand that Israel, the occupying Power, accept the de jure applicability of the Fourth Geneva Convention and abide scrupulously by the provisions of that Convention.

In relation to this, Malaysia supports the convening of a conference of high contracting parties to the Fourth Geneva Convention to address the problem of Israeli compliance, though we are aware that such a step will require sustained effort and preparation and can be realized only given full commitment by all concerned. Malaysia is prepared to be part of the international effort to galvanize early action in that direction. Malaysia also supports a greater role and increased activity for the International Committee of the Red Cross and for the United Nations Relief and Works Agency for Palestine Refugees in the Near East. However, the above cannot be a substitute for an enhanced United Nations role on the issue.

(Mr. Musa, Malaysia)

An enhanced United Nations role should be the crux of the Council's efforts to ensure the safety and protection of Palestinians under Israeli occupation. Given the deep sense of vulnerability of the Palestinians as evidenced in the Secretary-General's report, there must be a United Nations mechanism to monitor and observe the situation there and to report back to the Council. Earlier reports, especially that of 21 January 1988, have clearly revealed the state of disillusionment of Palestinians over non-implementation of numerous Security Council resolutions. Further, it is clear that all limited United Nations or international presences - be it UNRWA or the International Red Cross - have been grossly inadequate and have in no way been able to deter Israeli excesses and mistreatment. A more effective mechanism must be set in place, and Israel must be made to accept such an arrangement.

The Secretary-General has through his report thrown the ball back into the Council's court, reminding it, and rightly so, of the continuing responsibility of the Council on the issue. The question now is what the Council is prepared to do, given Israel's continuing affront and rejection of the authority of the Council. The Malaysian delegation has stated before that the record of the Council on the matter has been disappointing. But there is now a new situation in the Council, where past divisions have given way to cohesion and unity of purpose in settling conflicts and upholding the rule of law, as can be seen from the last three months in dealing with the Iraqi invasion and occupation of Kuwait. In the same spirit, the Council cannot do less in dealing with Israel and Israeli intransigence.

The Council must contend with Israel and its actions, and the Council must recognize Israel and its actions for what they are if our collective response is to equate with the responsibilities at hand. Listening to the statement of the Ambassador of Israel, shooting from the hip, accusing all and sundry of being

(Mr. Musa, Malaysia)

murderers and dictators, one is at a loss over what can be expected from the Israeli Government.

In that light, with a clear conscience, we should ask ourselves whether there is any more justification to hesitate to apply firm pressure on Israel. I doubt that even those with a special relationship with Israel can any longer justify such an affinity, especially given the crisis in the Persian Gulf, where many Arab countries are allied with major Western Powers to push back aggression. If the Council is determined to go the ends of the Earth to thwart aggression, as it must, can the Council afford to waffle on the issue of Israeli occupation of Palestinian lands and Israeli intransigence?

If there is to be real promise of a new world order, and if the present consensus within the Council in upholding the rule of law is to be maintained, we have to act equally responsibly on this issue. The bias of the past that has not distinguished the performance of the Council must make way for equal commitment and evenhandedness. Any veto, for example, will affect the credibility of the Council further and raise questions that may affect the unity of the Council.

The PRESIDENT: I thank the representative of Malaysia for his kind words addressed to me.

Mr. PEÑALOSA (Colombia) (interpretation from Spanish): Since I have not yet had an opportunity to do so, Sir, I wish first to congratulate your country on its accession to the presidency of the Council for this month. We have historic bonds of co-operation with the United States. We are convinced that Ambassador Pickering's already recognized diplomatic skills and his warm human qualities will ensure his success in his post.

We should also like to thank Sir David Hannay for his efficient conduct of the Council last month.

(Mr. Peñalosa, Colombia)

Today we should like to join in the celebration of the anniversary of the creation of the State of Palestine, which took place two years ago yesterday. The situation in the occupied Arab territories is such that we are now meeting to consider the report of the Secretary-General. It is the second such report in three years, but he has been unable to send a mission to the territories to investigate the events of 8 October.

At the outset of my remarks on this subject, I wonder what new things can be said about this terrible situation, to which the world has perhaps grown accustomed because of Israel's 23 years of occupation of the Arab territories. We are moved when we think of t[illegible] thousands of lives lost in the defence of a just cause - the cause of self-determination and exercise of sovereignty. We are increasingly appalled at Israel's refusal to accept the injunctions of the Security Council and the world at large. The invitation to a representative of the Secretary-General to visit the country is far from a show of co-operation. Instead, Israel must show real willingness to abide by the Council's resolutions. My delegation has always been in favour of an international peace conference, in which the Palestinians would participate on an equal footing, to put an end to the terrible situation and bring peace and stability to the entire region. Equally we agree with the requirement that Israel abide by the Fourth Geneva Convention, to which it is a party, whose provisions have constantly been violated, as was seen in the videotape of the events of 8 October in Jerusalem, which gave confirmation of the dangers to which the Palestinian population are exposed daily in the face of the violent acts of the occupying authorities. That videotape not only forms part of the records of the Security Council but rests in our consciences and reminds us of our moral commitment to our principles and the most elementary human rights.

(Mr. Peñalosa, Colombia)

For all those reasons, my delegation hopes that we shall be able to build the elements of a solution to the question of the occupied territories. Hence, we support the recommendation made in the Secretary-General's report (S/21919 and Corr.1 and Adds.1-3) that a meeting of the High Contracting Parties be convened to discuss measures that could be taken in accordance with the Convention. Similarly, we support the idea of establishing an impartial presence with an appropriate mandate from the United Nations, or expanding the United Nations mandate for truce supervision.

Finally, there are many different ways in which a solution can be sought. My delegation shares the hope of the Palestinian people that a solution will be found.

The PRESIDENT: I thank the representative of Colombia for his kind words addressed to me.

The next speaker is the representative of the Libyan Arab Jamahiriya. I invite him to take a place at the Council table and to make his statement.

Mr. TREIKI (Libyan Arab Jamahiriya) (interpretation from Arabic): We extend our congratulations to you, Sir, on your assumption of the presidency of the Council for this month. We are confident that under your guidance the Security Council will carry out its tasks as successfully as we all wish.

May I express my warm appreciation also to your predecessor in the Chair, Sir David Hannay, the Ambassador of the United Kingdom, for the constructive way in which he led the Council's work last month.

The Security Council is meeting yet again to consider the situation in the occupied Arab and Palestinian territories and Israel's rejection and defiance of Security Council resolutions and international legitimacy, just exactly as it has defied every resolution adopted by the General Assembly and the Security Council.

We are now discussing in particular the Secretary-General's report, in the light of the Israeli Government's refusal to receive a United Nations fact-finding

(Mr. Treiki, Libyan Arab Jamahiriya)

mission to investigate the Israeli massacre during the prayers in Al-Quds. That massacre was only the latest in a series of massacres carried out since the Israelis occupied Al-Quds.

The Israeli Government's refusal to receive the mission came as no surprise to us all. We are all well aware of the nature of Israeli occupation. We are all well aware that the Zionist régime is based on occupation, repression and expansion. Indeed, this is not the first time the Israelis have defied the United Nations. They have repeatedly rejected General Assembly and Security Council resolutions and all other relevant international decisions and resolutions. The international community's rejection of their racist policies have only made the Israelis more intransigent and more adamantly defiant. They have annexed the Golan Heights and Al-Quds. They have permanently occupied large parts of southern Lebanon. They have continued to build settlements in the occupied Arab territories, including Al-Quds, wherein they install large numbers of emigrants from the Soviet Union and other countries. All this is done at a time when Palestinians are being denied the right to return to their homeland - a right recognized in every rule of international law and every relevant United Nations resolution.

Some may ask: Why has this continued to happen? Why this intransigence and defiance? I do not think it is difficult to find the answer. It lies in the failure of the international community, particularly the Security Council, to measure up to its obligations under the Charter of the United Nations by standing up to this defiance.

In the majority of cases, the Security Council has failed to adopt any resolution that would truly remedy the tragic situation of the Palestinians in the occupied territories. That failure has been brought about, at times, by the abuse

(Mr. Treiki, Libyan Arab Jamahiriya)

of the right of veto and, at others, by sheer indifference to the scandalous defiance by the Israelis of the international community.

That has encouraged the occupation authorities to pursue to extremes their policy of annexation and mass extermination of the Palestinians.

In the latest incident, this Israeli defiance of the international will has been quite blatant. Instead of responding to the resolution of the international community regarding the investigation of the recent massacre, the Israeli defiance took the shape of a so-called Israeli committee of investigation under the chairmanship of the ex-head of the Israeli intelligence services. We do not understand how a defendant could be turned into judge and jury and given the authority of deciding the case. It is unacceptable for the very Government, the very régime that shot innocent people to be allowed to investigate a massacre of its own making. But that is nothing new so far as the Zionist entity is concerned. Following the massacres at Sabra and Shatila, the Israelis established a committee of investigation. Everyone knows that the principal defendant in that massacre was one of the outstanding members of the Israeli Government, namely Ariel Sharon. Indeed, the Prime Minister of Israel himself, Yitzhak Shamir, was among those responsible for the Deir Yassin massacre and for the assassination of Count Bernadotte, the United Nations Mediator at the time.

Unfortunately, there are still some well-intentioned persons who, for various reasons, still believe that there is an Israeli democracy. But what kind of democracy is it? Is it the democracy of the annexation of other peoples' land by force? Is it the democracy of a chosen people who despise other monotheistic religions and attack Holy Places, both Islamic and Christian? Is it the democracy of breaking the bones of Palestinian children and using toxic gases against women and old people?

(Mr. Treiki, Libyan Arab Jamahiriya)

Despite our disappointment at the continued apathy shown by the Security Council vis-à-vis the many crimes committed by the Zionist entity against the Palestinian people even in their farthest refuge, as for instance, in Tunisia, we choose to be optimistic. Our optimism springs from the hope that a new phase has begun in the history of mankind. The cold war is over; strategic and even military alliances are now things of the past; the policy of Phantoms against Migs is no longer with us. This optimism has been strengthened by the cohesiveness, understanding and co-operation we have witnessed over the past three months. The fact that the Security Council has now been able to adopt effective resolutions has encouraged and heartened us.

(Mr. Treiki, Libyan Arab Jamahiriya)

The fact that hundreds of soldiers and thousands of aircraft, tanks and numerous aircraft carriers have been dispatched, in defence of principles, as we are being told, gives us hope. We want to believe. We want to see these principles applied to the Israeli occupation authorities. We do not want this Council to be selective in its actions.

We have all studied the Secretary-General's report, and we thank him for all the effort that has gone into the drawing up of his report and the constructive ideas he has put forward therein. There is no doubt that those ideas will ease the pain of the Palestinian patient, but they will never cure him. The ideal solution is to put an end to the occupation. The only cure is to operate successfully, remove the cancer of occupation and thereby enable the Israeli patient to become whole again. We must enable that Palestinian patient to return to his homeland and to establish his own State on his native soil.

The ideal solution would be to enable the Council to shoulder its responsibilities. It should be allowed to stand up to aggression, impose international legitimacy and adopt the same measures as it took recently in respect of another matter.

Some people might say that that would be too much, that patience and wisdom are necessary, and that Security Council resolutions 672 (1990) and 673 (1990), which were rejected by the Israeli authorities, are but an encouraging starting-point. We could accept that logic reluctantly, in the hope that this was the reality of the situation.

But the readiness of the Israeli occupation authorities to receive a United Nations envoy has nothing to do with acceptance or implementation of Security Council resolutions. This is something that we can never accept. This is a ploy whose aim is to circumvent Security Council resolutions and confuse the issue.

(Mr. Treiki, Libyan Arab Jamahiriya)

This Council must be committed to the implementation of its resolutions. The Secretary-General has an absolute right to send an envoy if he wants to do so. We cannot argue with that. However, the Security Council is called upon today to adopt a practical measure to face up to the terroristic policies of Israel. The adoption of such a measure is logical, legitimate and more necessary today than ever before if we are to restore the respect and prestige of the Security Council, which is responsible, under the Charter for the maintenance of peace and security.

We believe that the Security Council should immediately adopt a resolution that would force the occupation authorities to respect the Fourth Geneva Convention and accept international observers for the protection of the Palestinians. It may not be possible to dispatch hundreds of thousands, but a number of observers would do for the present.

Failure by this Council to take the necessary measures to address the situation and discharge its responsibilities will impinge on its credibility and damage the new spirit that has prevailed in its deliberations and decisions. We hope that this will not happen.

Before concluding, I should like to extend our heartfelt congratulations to the State of Palestine on the occasion of the second anniversary of its establishment. We believe that the Palestinian people, despite all the massacres and oppression to which they have been subjected, will take their due place in the international community. We are confident that one day they will occupy their place as a full-fledged Member of the United Nations.

The PRESIDENT: I thank the representative of the Libyan Arab Jamahiriya for his kind words addressed to me.

(The President)

The next speaker is Mr. Ahmet Engin Ansay, Permanent Observer of the Organization of the Islamic Conference to the United Nations, to whom the Council has extended an invitation under rule 39 of the provisional rules of procedure. I invite him to take a place at the Council table and to make his statement.

Mr. ANSAY: I should like to express my warm congratulations to you, Sir, on your assumption of the presidency of the Security Council for the month of November. We are confident that your well-known diplomatic skills and vast experience will enable you to conduct the proceedings of the Council successfully.

I should also like to take this opportunity to express my gratitude to your predecessor, Sir David Hannay, the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland, for the exemplary manner in which he conducted the work of the Council during the month of October.

I believe that tribute and appreciation must also be paid to the Secretary-General for his relentless efforts to achieve peace in the Middle East and for his well-documented report, which sheds light on the tragic situation in the occupied Arab territories.

I should like to take this opportunity to contratulate heartily the representative of Palestine on the occasion of the second anniversary of the proclamation of the independent State of Palestine.

The Security Council has assembled today, as it has done on numerous occasions, to discuss the situation in the Palestinian land occupied by Israel. Indeed, Israel's continued occupation of these territories is the root cause of violence in the area. We can only hope that one day Israel's transgressions will no longer be tolerated and that the deliberations of the United Nations will result in concerted action against aggression.

(Mr. Ansay)

For decades the international community has devoted time and energy to the question of Palestine, and thus far nothing effective has been done to force Israel to comply with the internationally recognized rules, norms and codes of conduct.

Twice in the last two months the Security Council voted to condemn Israel for violations perpetrated in the occupied territories and called for the dispatching of a United Nations mission to Al-Quds Al-Shareef to investigate the discriminate bloodletting on the holy land.

In this connection, the Secretary-General of the Organization of the Islamic Conference, in a letter addressed to the Secretary-General of the United Nations and the President of the Security Council on 8 October 1990, expressed the deep anguish of my organization over the ruthless and premeditated massacre of innocent Palestinians in occupied Jerusalem. He urged the Security Council to take appropriate steps to send international observers to occupied Palestine urgently, as a first step in the process of elaborating measures to protect the Palestinian people.

As is well known, the question of Palestine is at the core of the Middle East problem, and at the heart of the Palestinian question lies the problem of Al-Quds Al-Shareef - the First Kiblah and the third holiest place for all Muslims around the world.

Al-Quds is an integral part of the occupied Palestinian territories. Hence Security Council resolutions 476 (1980) and 478 (1980), which declare null and void the so-called basic law of Israel that designates Al-Quds Al-Shareef as the unified capital of Israel, must be implemented fully if a solution to this question is to be found.

(Mr. Ansay)

The Al-Quds Committee of the Organization of the Islamic Conference, under the chairmanship of His Majesty King Hassan II of Morocco, met in Rabat on 15 October 1990 to discuss the recent tragic massacre of innocent Palestinians.

The Committee condemned the barbaric slaughtering of unarmed Palestinians within the premises of the Al-Aqsa Mosque in Al-Quds Al-Shareef on 8 October 1990, which showed utter contempt for the sanctity of that holy site and for the feelings of more than one billion Muslims throughout the world. It called on the Islamic countries to exert efforts to induce the Security Council to take effective measures - including the sending of international observers - to put an end to Israel's machinations and ensure the protection of the Palestinian people and the holy places in Al-Quds Al-Shareef and throughout the occupied territories.

(Mr. Ansay)

Having defied the norms and principles of international law and the Fourth Geneva Convention for decades, Israel continues its policy of aggression against the Palestinian people. It seeks to obliterate all forms and vestiges of Palestinian nationality, culture and history. Mass deportations, the demolition of homes, collective punishments, administrative detentions, curfews, nightly raids, the beating of women and children and the illegal appropriation of land have become frequent daily practices of the occupying Power. Through its ruthless policy of settler-colonialism, it also continues illegally to occupy part of the Syrian Golan and southern Lebanon.

Incidentally, the most recent administrative detention of three prominent community leaders by the Israeli authorities is another example of the violation of the Fourth Geneva Convention by the occupying Power. We wonder how long the international community can remain ignorant of these gross violations of its own norms and rules.

The Secretary-General's invaluable report (S/21919) unveils Israel's position and how it respects resolutions 672 (1990) and 673 (1990). Israel simply refuses to receive the mission of the Secretary-General of the United Nations, in utter defiance of the Council.

It is ironic that instead the Israeli Government sets irrelevant conditions concerning the mission, conditions that cannot even be regarded as serious, since they are contrary to the provisions of resolutions 672 (1990) and 673 (1990), which clearly stipulate the mission's mandate and its aims and objectives.

The report also depicts the true picture of the situation with regard to the Israeli policy against the Palestinian people in the occupied territories. In the report the Secretary-General clearly exposes Israel's refusal to apply the Fourth Geneva Convention, and at the same time he categorically expresses the necessity

(Mr. Ansay)

for the application of the Convention for the protection of Palestinians under occupation, and places this subject before the Security Council.

In this context, we support the proposal contained in the Secretary-General's report concerning the idea of convening a meeting of the high contracting parties to the Fourth Geneva Convention to discuss possible measures to be taken under the Convention in order to protect the Palestinians in the occupied territories.

Now, since we know very well that, with the exception of Israel, all Members of the United Nations believe in, and insist on, the applicability of the Fourth Geneva Convention to the occupied Arab territories, including Al-Quds Al-Shareef, as a first step in securing the protection of Palestinians, and the de jure applicability of the Convention by the occupying Power, we urge the Security Council to fulfil its responsibility by urgently sending international observers to the occupied territories.

We firmly believe that now is the time for the international community to seize the moment and settle the Middle East conflict within the context of an international peace conference under the auspices of the United Nations, with the participation of all parties concerned, including the Palestine Liberation Organization, on an equal footing.

The PRESIDENT: I thank Mr. Ansay for his kind words addressed to me.

The next speaker is the representative of the Syrian Arab Republic. I invite him to take a place at the Council table and to make his statement.

Mr. EL-FATTAL (Syrian Arab Republic) (interpretation from Arabic): I wish to congratulate you, Sir, on assuming the presidency of the Security Council. Knowing your wisdom and efficiency, I am confident that the Council's work will be successful.

(Mr. El-Fattal, Syrian Arab Republic)

I should also like to express my deep appreciation to your predecessor, Sir David Hannay, under whose presidency the Council adopted very important resolutions.

It goes without saying that the massacre perpetrated by the Israeli authorities in Al-Quds at Al-Haram al-shareef 8 October and the Council's adoption of resolutions 672 (1990) and 673 (1990) mark a qualitative shift in terms of revitalizing the Security Council's role with regard to the bloody Israeli practices in the occupied Arab territories. Similarly, this series of meetings has opened the door in an unprecedented way to revealing Israel's aggressive and terroristic nature.

Israel's rejection of the two Security Council resolutions reaffirms once again that Israel is violating international law and that the occupying Power does not recognize the Council, or even the United Nations, which created Israel. In particular, Israel does not recognize any international humanitarian law, especially the Fourth Geneva Convention, which commits the high contracting parties, under Article 1, to ensure respect by other contracting parties to its provisions.

Members of the Council may have been surprised by both the content and spirit of Israel's rejection, which indicates, among other things, that Israel considers itself the master in Al-Quds. It said in its reply to the Secretary-General:

> "Jerusalem is not, in any part, 'occupied territory'; it is the sovereign capital of the State of Israel. Therefore, there is no room for any involvement on the part of the United Nations in any matter relating to Jerusalem ...
>
> "Given the above, Israel will not receive the delegation of the Secretary-General of the United Nations." (S/21919, para. 3)

(Mr. El-Fattal, Syrian Arab Republic)

Not content with that reply, which violates the Security Council resolutions, Israel stated, as mentioned in the report, that the rejection decision had been taken a long time ago as established in the exchange of letters of September-November 1971 between the then Foreign Minister of Israel and the then Secretary-General of the United Nations in respect of paragraph 5 of Security Council resolution 298 (1971) relating to Al-Quds and the dispatch of a similar mission to that city. Israel, then, considers that the lapse of time as indicated in "a long time ago" justifies the tightening of its grip on occupied Al-Quds and its rejection of any United Nations mission to the occupied territories, regardless of the mission's mandate.

All of that indicates that Israel persists in its annexation and settlement policy, which is a well-established Israeli policy, declared since Israel's establishment. This reflects the nature of Zionism, a nature of exclusivity. The declaration of Israel's independence on 14 May 1948 stipulates in its first paragraph that the State of Israel is open to the migration of Jews from the Diaspora and that all Jews have the right to go to that country as immigrants. The immigration law states that each Jewish immigrant becomes an Israeli citizen. Of course, none of those provisions guarantee any rights to the Arabs.

(Mr. El-Fattal, Syrian Arab Republic)

The inevitable result of such laws can be seen in Israel's brutal practices of uprooting and dispersing the Arabs, preventing them from returning to their homes, colonizing their lands and replacing them with foreign settlers.

The statements by the Israeli Prime Minister and others prove that Israel persists in its policy of annexation, displacement of Arabs and the confiscation of their lands in flagrant violation of the Fourth Geneva Convention regardless of the fact that the Security Council has repeatedly confirmed the applicability of that Convention to all occupied Arab territories. On 7 October 1990, Shamir made the following statement:

(spoke in English)

"Jerusalem is an integral part of Israel and the building of the city will continue unhampered, Radio Israel said.

"... in East Jerusalem, which Israel captured from Jordan in the 1967 war, Shamir said, the new neighbourhood will be built between two of the city's principal landmarks - the Mount of Olives and Mount Scopus. Mount Scopus is already the site of Israeli Hebrew University, but the Mount of Olives is adjacent to several Arab neighbourhoods." (Washington Post, 8 October 1990)

(continued in Arabic)

The same news report went on to say that Israel used United States funds for purposes contrary to those that had been agreed.

(spoke in English)

"Some Jerusalem city officials were surprised that he intended to reverse his Government's position on an agreement it concluded last week with the Bush Administration on the construction of new housing. Under the agreement, which

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provides for United States guarantees of $400 million in loans, Israel pledged not to use American funds for construction in the occupied territories." (ibid.)

(continued in Arabic)

In yet another statement, reported by the Arabic daily Al Mayat International of 8 August 1990, Shamir declared that "the Golan Heights are not subject to any bargaining because the Golan Heights are part and parcel of Israel and there is no intention of violating this law".

The principle of non-acquisition of lands by force is one of the fundamental principles of international law and of the United Nations Charter, as well as of relevant United Nations resolutions. The Security Council has reaffirmed this principle repeatedly in dealing with the Arab-Israeli conflict. However, Israel has persistently violated this principle by annexing the West Bank, Gaza and the Golan Heights and by rejecting any just and comprehensive and just solution of the Middle East question through the convening of an international peace conference under the auspices of the United Nations.

Israel has also refused to implement Security Council resolutions on Al-Quds, the Golan and Lebanon and has persisted in its excesses in the West Bank and Gaza through settlement seizure of Arab land and the displacement and expulsion of Arabs with a view to diminishing their numbers and vacating the occupied territories of its original inhabitants. It is well known that Israel's aim is to dominate the whole area from the Nile and the Euphrates. This is well known to us and to others. It is in the service of those designs that Israel has never respected the Fourth Geneva Convention. The crux of that Convention is based on two principles that Israel does not recognize, namely: first, the non-acquisition of land by force and the consideration of any occupation as a temporary phenomenon and,

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secondly, the protection of civilians, the safeguarding of their fundamental rights, their right to return to their homeland and the prevention of the occupier from changing its characteristics. Article 47 of the Fourth Geneva Convention provides that the protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, ... nor by any annexation by the latter of the whole or part of the occupied territory. This article prohibits the deprivation by Israel of the Palestinians in occupied Palestine or the Syrians in the Arab Golan Heights of their protected rights under the convention that Israel, in furtherance of its current and future expansionist designs, refuses to apply.

Furthermore, Article 49 of the Convention prohibits individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying Power or to that of any other country, occupied or not.

Israel's practices since 1948 have been designed to create a situation of hundreds of thousands of refugees and displaced persons. Here we must recall that Israel was accepted as a member of the United Nations on the force of its undertaking to implement General Assembly resolution 194 (III) of 1948 on the return of the Palestinian refugees to their homes. Israel also refuses to allow the return of the 1967 refugees although their return was called for by the Security Council in its unanimous resolution 237 (1967). Moreover, Israel violates article 49 of the Convention which prohibits the transfer by the occupying Power of its civilian population into the territory it occupies. Israel has consistently violated that article by transferring hundreds of thousands of immigrant Jews into

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the Palestinian and other occupied Arab territories. The large-scale Jewish migration that we witness today is but further proof of Israel's intransigence in violating the Convention.

This is not the first time that Israel has refused to receive a United Nations mission and it will not be the last. Israel does not want the United Nations, the Organization that created Israel, to play any part that may expose Israel's practices, reverse its expansionist drive and guarantee the rights of the Palestinians. It refuses to receive the United Nations Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People, and Other Arabs of the Occupied Territories. It refuses to supply the International Labour Office with information on the working conditions of Arab workers in the occupied territories. It has refused to co-operate with the six-member committee appointed by the sub-committee on non-discrimination and the protection of minorities. It believes that the world will forgive it for committing the crimes covered by Article 147 of the Fourth Geneva Convention, namely, wilful killing, torture, inhuman treatment including acts causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement, the taking of hostages and the destruction of property.

Just recently, the Israeli representative - in naked defiance of the Council and the Secretary-General's report - not only refused to receive the United Nations mission but even the proposals included in the report under the pretext that the provisions of the Fourth Geneva Convention deal with the seizure by one State of the lands of another sovereign State, and that that does not apply to the West Bank and Gaza. Here we may wonder whether or not the Palestinian people has the right to self-determination, like any other people of the world, in accordance with paragraph 2 of Article 1 of the Charter. In case that most natural of human rights

(Mr. El-Fattal, Syrian Arab Republic)

is denied to the Palestinian people, would not that mean a return to the colonial era when whole peoples and countries were deprived of the right of self-determination and the colonial Powers rearranged the geographies and manipulated the destinies of those peoples at will?

(Mr. El-Fattal, Syrian Arab Republic)

Notwithstanding, the Israeli representative claims that occupation generates sovereignty, as if the Israeli occupation had come about by heavenly decree and as if Israel were above the rule of law or exempted by divine will. He even describes Israel, with its track record of usurpation, aggression and expansion, as an oasis of democracy. If democracy means the rule of the people, by the people for the people, then Israel is a democracy as long as democracy means solely the rule of the Zionist Jews, by the Zionist Jews for the Zionist Jews. In other words, its democracy is merely a religio-racialist system that discriminates against anyone who is not Jewish and tries to eliminate him. One wonders whether there is one single individual in this Council who could accept that new definition of democracy invented by Zionism and incarnated by Israel in its daily practices against the Arab people since 1948 and in its designs for expansion throughout the Arab region in the Middle East.

In conclusion, I should like to appeal to the Security Council to shoulder its responsibility for maintaining international peace and security by taking the necessary measures under the Charter to put an end to the brutal and oppressive policies of the Israeli authorities against the Palestinian people. We must put an end to the long occupation and we are confident that victory will belong to the intifadah.

The PRESIDENT: I thank the representative of the Syrian Arab Republic for his kind words addressed to me.

There are no further speakers inscribed on my list. The next meeting of the Security Council to continue consideration of the item on the agenda will be fixed in consultation with members of the Council.

The meeting rose at 1.15 p.m.

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OFFICIAL COMMUNIQUE OF THE 2958TH MEETING OF THE
SECURITY COUNCIL

Held in private in the Security Council Chamber at Headquarters,
on Friday, 23 November 1990, at 12 noon

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued by the Secretary-General and is circulated in place of a verbatim record.

"At its 2958th meeting, held in private on 23 November 1990, the Security Council considered its draft report to the General Assembly covering the period from 16 June 1989 to 15 June 1990. The Security Council adopted the draft report unanimously."

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